



AF
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:
FAROOQ U. KHAN
SANDIV NANDA

Serial No.: 09/660,092

Filed: SEPTEMBER 12, 2000

For: METHOD AND APPARATUS FOR
ASYNCHRONOUS INCREMENTAL
REDUNDANCY RECEPTION IN A
COMMUNICATION SYSTEM

Examiner: J. KADING

Group Art Unit: 2661

Att'y Docket: 2100.001800

Customer No. 046290

APPEAL BRIEF

Mail Stop: Appeal Brief - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby submits this

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop: Appeal Brief- Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
<u>4.20.06</u> Date	<u>Kathy Nander</u> Signature

Appeal Brief to the Board of Patent Appeals and Interferences in response to the final Office Action dated December 7, 2006. A Notice of Appeal was filed on March 7, 2006 and so this Appeal Brief is believed to be timely filed.

It is believed that a fee of \$500.00 is due. A check is enclosed. However, should the check be inadvertently omitted, the Commissioner is authorized to deduct the fee for filing this Appeal Brief (\$500) from Williams, Morgan & Amerson, P.C.'s Deposit 50-0786/2100.001800.

04/26/2006 HDESTA1 00000059 09660092

01 FC:1402

500.00 OP

I. REAL PARTY IN INTEREST

The present application is owned by Lucent Technologies, Inc. The assignment of the present application to Lucent Technologies, Inc., is recorded at Reel 11133, Frame 0878.

II. RELATED APPEALS AND INTERFERENCES

Applicant is not aware of any related appeals and/or interferences that might affect the outcome of this proceeding.

III. STATUS OF THE CLAIMS

Claims 1-7 and 13-19 are pending in the present application. Claims 1-7 and 13-19 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Crisler (U.S. Patent No. 5,477,550).

IV. STATUS OF AMENDMENTS

There were no amendments after the final rejections.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1 and 13 set forth methods for receiving information in a communication system. The methods may include deciding which of a plurality of confirmation messages to transmit based on an information status flag indication contained in the received information and a decoding operation performed on the received information. Claim 13 explicitly states that the information status flag indicates that the received information comprises at least one of new and continue information.

For example, in one embodiment, a channel coder may encode packets of information and segment these packets into one or more sub-packets. Each sub-packet contains an information status flag and subscriber identification information. The information status flag includes information indicating whether the sub-packet includes new or continue information. For example, the information status flag may be a one-bit flag where a 0 bit indicates continue information and a 1 bit indicates new information. See Patent Application, page 10, lines 5-12. New information represents the beginning of information being transmitted and continue information represents information that follows the new information and is part of the new information. Continue information is thus the continuation of previously transmitted information or the retransmission of previously transmitted information that was decoded unsuccessfully. See Patent Application, page 9, lines 22-27.

The methods set forth in independent claims 1 and 13 use the information status flag to recover from misinterpretation of a previous confirmation message transmission. For example, in one embodiment, receiving equipment is waiting for new information. If the receiving equipment receives a sub-packet including an information status flag that indicates continue information, the receiving equipment transmits a positive confirmation, discards the received sub-packet, and waits for new information. See Patent Application, page 11, lines 7-14. If the received sub-packet is determined to be new information, the receiving equipment performs a decoding operation on the received sub-packet. If the decoding operation is successful, the receiving equipment transmits a positive confirmation message and waits for new information. If the decoding operation is unsuccessful, the receiving equipment transmits a negative confirmation and waits for a continue sub-packet. See Patent Application, page 11, line 16 – page 12, line 6.

When the next sub-packet is received, the receiving equipment determines whether the status of the received sub-packet is new or continue. If the received sub-packet is new, the receiving equipment discards any previously stored sub-packets and decodes the received sub-packet. If the received sub-packet is continue information, the received sub-packet is combined with previously received sub-packets and the combination is decoded. See Patent Application page 12, lines 6-26. The methods set forth in independent claims 1 and 13 therefore provide the capability of recovering from misinterpretation of information messages. Examples of scenarios in which receiving equipment can recover from a misinterpreted message are provided on page 13 of the Patent Application.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellant respectfully requests that the Board review and overturn the rejections present in this case. The following issues are presented on appeal in this case:

- (A) Whether claims 1-7 are anticipated by Crisler; and
- (B) Whether claims 13-19 are anticipated by Crisler.

VII. ARGUMENT

A. Legal Standards

An anticipating reference by definition must disclose every limitation of the rejected claim in the same relationship to one another as set forth in the claim. *In re Bond*, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990).

When the next sub-packet is received, the receiving equipment determines whether the status of the received sub-packet is new or continue. If the received sub-packet is new, the receiving equipment discards any previously stored sub-packets and decodes the received sub-packet. If the received sub-packet is continue information, the received sub-packet is combined with previously received sub-packets and the combination is decoded. See Patent Application page 12, lines 6-26. The methods set forth in independent claims 1 and 13 therefore provide the capability of recovering from misinterpretation of information messages. Examples of scenarios in which receiving equipment can recover from a misinterpreted message are provided on page 13 of the Patent Application.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellant respectfully requests that the Board review and overturn the rejections present in this case. The following issues are presented on appeal in this case:

- (A) Whether claims 1-7 are anticipated by Crisler; and
- (B) Whether claims 13-19 are anticipated by Crisler.

VII. ARGUMENT

A. Legal Standards

An anticipating reference by definition must disclose every limitation of the rejected claim in the same relationship to one another as set forth in the claim. *In re Bond*, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990).

B. Claims 1-7 are not anticipated by Crisler.

Crisler teaches an error detection field that may be sent with each block. The error detection field may be checked to determine whether the block has been adequately received. See Crisler, col. 4, ll. 23-26. Applicants respectfully submit that error detection fields are well known in the art to include information that may be used to determine whether or not a block of information has been received or has been corrupted. For example, an error detection field may include results of a hash function applied to information included in the block. The same hash function may then be applied to information in the received block and compared to the error detection field to determine whether or not the block has been adequately received. Crisler teaches that a message-received communication may be transmitted if no errors are detected and a message-partially-received communication may be transmitted if a block has not been adequately received. See Crisler, col. 4, ll. 23-46. A retransmission of the unreceived block may be performed in response to the message-partially-received communication. See, Crisler, col. 4, ll. 46-64.

The Examiner alleges that the error detection field described by Crisler is an information status flag. Applicants respectfully disagree and submit that the information status flag and the error detection field are completely different types of information that serve different purposes. As defined in the specification, the claimed information status flag provides information indicative of the status (*i.e.* new or continue information) of other information included in a transmitted block. For example, the information in the transmitted block may be NEW information (*e.g.*, information that is being transmitted to the receiver for the first time) or CONTINUE information (*e.g.*, information that is being retransmitted to the receiver in response

to a negative acknowledgment), as indicated by an information status flag included in the transmitted block. See Patent Application, page 8, ll. 1-10. In contrast, the error detection field described in Crisler is a set of bits that may be used by a receiver to determine whether or not the block is corrupted. See Crisler, col. 3, ll. 3-5. However, the information conveyed in the error detection field does not indicate a status of the information, in the sense that this term is defined in the specification and used in independent claim 1. Thus, Applicants respectfully submit that Crisler fails to teach or suggest all the limitations of the claimed invention.

In response to this argument, the Examiner alleges that Applicants are reading limitations into the claims that are not present in the claims. Applicants respectfully disagree and submit that interpreting the meaning of a term based on a definition of the term that has been provided in the specification is not the same as reading limitations into the claims that are not otherwise present in the claims. To the contrary, Applicants note that it has been well established that an Applicant may be his or her own lexicographer and that the terms in the claims must be interpreted based on the supplied definitions. See MPEP 2111.

For at least the aforementioned reasons, Applicants respectfully submit that claims 1-7 are not anticipated by Crisler because the cited references fail to teach or suggest all the limitations of the claimed invention. Applicants respectfully request that the Examiner's rejections of claims 1-7 under 35 U.S.C. 102(b) be REVERSED.

C. Claims 13-19 are not anticipated by Crisler.

As discussed above, Crisler teaches an error detection field that may be sent with each block. The error detection field may be checked to determine whether the block has been adequately received. See Crisler, col. 4, ll. 23-26. Crisler teaches that a message-received

communication may be transmitted if no errors are detected and a message-partially-received communication may be transmitted if a block has not been adequately received. See Crisler, col. 4, ll. 23-46. A retransmission of the unreceived block may be performed in response to the message-partially-received communication. See, Crisler, col. 4, ll. 46-64.

However, Applicants respectfully submit that the information status flag set forth in independent claim 13 and the error detection field described by Crisler are completely different types of information that serve different purposes. Independent claim 13 explicitly sets forth that the information status flag indicates that the received information includes new or continue information. As discussed above, NEW information is information that is being transmitted to the receiver for the first time and CONTINUE information is information that is being retransmitted to the receiver, *e.g.*, in response to a negative acknowledgment.

In contrast, the error detection field described Crisler is a set of bits that may be used by a receiver to determine whether or not the block is corrupted. See Crisler, col. 3, ll. 3-5. However, the information conveyed in the error detection field does not indicate a status of the information, in the sense that this term is defined in the specification and used in independent claim 13. In particular, the error detection field does not indicate whether the received information includes new or continue information. Thus, Applicants respectfully submit that Crisler fails to teach or suggest all the limitations of the claimed invention.

For at least the aforementioned reasons, Applicants respectfully submit that claims 13-19 are not anticipated by Crisler because the cited references fail to teach or suggest all the limitations of the claimed invention. Applicants respectfully request that the Examiner's rejections of claims 13-19 under 35 U.S.C. 102(b) be REVERSED.

VIII. CLAIMS APPENDIX

The claims that are the subject of the present appeal – claims 1-7 and 13-19 – are set forth in the attached “Claims Appendix.”

IX. EVIDENCE APPENDIX

There is no separate Evidence Appendix for this appeal.

X. RELATED PROCEEDINGS APPENDIX

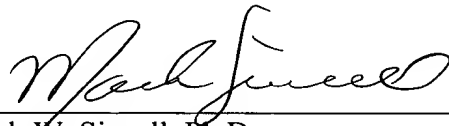
There is no Related Proceedings Appendix for this appeal.

XI. CONCLUSION

In view of the foregoing, it is respectfully submitted that the Examiner erred in not allowing all claims pending in the present application, claims 1-7 and 13-19, over the prior art of record. The undersigned may be contacted at (713) 934-4052 with respect to any questions, comments or suggestions relating to this appeal.

Respectfully submitted,

Date: 4/20/06



Mark W. Sincell, Ph.D.
Reg. No. 52,226
WILLIAMS, MORGAN & AMERSON
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-7000
(713) 934-7011 (facsimile)

AGENT FOR APPLICANTS

CLAIMS APPENDIX

1. (Previously Presented) A method for receiving information in a communication system, the method comprising:

deciding which of a plurality of confirmation messages to transmit based on an information status flag indication contained in the received information and a decoding operation performed on the received information to recover from misinterpretation of a previous confirmation message transmission.
2. (Previously Presented) The method of claim 1 wherein the step of deciding which of the plurality of confirmation messages to transmit comprises waiting for NEW information.
3. (Original) The method of claim 1 further comprising waiting for NEW information after a positive confirmation message was transmitted.
4. (Previously Presented) The method of claim 1 further comprising transmitting a positive confirmation message after receiving NEW information while waiting for either NEW or CONTINUE information, decoding said received NEW information successfully and discarding any previously received information.
5. (Previously Presented) The method of claim 1, where the step of deciding which of the plurality of confirmation messages to transmit further comprises transmitting a positive confirmation message if the received information is NEW information and the decoding operation was successful.

6. (Previously Presented) The method of claim 1 where the step of deciding which of the plurality of confirmation messages to transmit further comprises transmitting a negative confirmation message if the received information is NEW information and the decoding operation was unsuccessful.

7. (Previously Presented) The method of claim 6 further comprising the steps of:
waiting for CONTINUE information after the negative confirmation message was transmitted;
combining received CONTINUE information with previously received information; and
performing a decoding operation on the combined information.

8-12. (Canceled).

13. (Previously Presented) A method for receiving information in a communication system, the method comprises the step of:
deciding which of a plurality of confirmation messages to transmit based on an information status flag contained in the received information, the information status flag indicating that the received information comprises at least one of new and continue information, and a decoding operation performed on the received information.

14. (Previously Presented) The method of claim 13, wherein the step of deciding which of the plurality of confirmation messages to transmit comprises waiting for new information.

15. (Previously Presented) The method of claim 13, further comprising waiting for new information after a positive confirmation message was transmitted.

16. (Previously Presented) The method of claim 13, further comprising transmitting a positive confirmation message after receiving an information status flag indicating that the received information comprises new information while waiting for either new or continue information, decoding said received new information successfully and discarding any previously received information.

17. (Previously Presented) The method of claim 13, where the step of deciding which of the plurality of confirmation messages to transmit further comprises transmitting a positive confirmation message if the information status flag indicates that the received information comprises new information and the decoding operation was successful.

18. (Previously Presented) The method of claim 13, where the step of deciding which of the plurality of confirmation messages to transmit further comprises transmitting a negative confirmation message if the information status flag indicates that the received information comprises new information and the decoding operation was unsuccessful.

19. (Previously Presented) The method of claim 18 further comprising the steps of:
waiting for continue information after the negative confirmation message was transmitted;

combining received continue information with previously received information; and
performing a decoding operation on the combined information.